REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated October 15, 2008. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-6, 9-20 and 23-32 are pending in the Application. Claims 1, 15 and 28 are independent claims.

In the Office Action, claims 1 and 15 are rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement since it is alleged that performing a search to identify data related to the selected product including at least one source not associated with a source of the video program as substantially recited in each of claims 1 and 15, is not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time of the application was filed had possession of the claimed invention. This rejection of claims 1 and 15 is respectfully traversed.

It is respectfully submitted that the specification provides ample support and sufficient description, of claims 1 and 15, in such a way as to reasonably convey one skilled in the relevant art

that the inventor, at the time of the application was filed had possession of the claimed invention.

For example, the specification of the current patent application, makes clear that (emphasis added) "current online agents simply act as advanced versions of a typical search engine, where the improvement concept is searching within various shopping sites and looking for the best deal. The agents are one-dimensional as they are limited to the search of only one particular product and limited to the databases of only participating online stores." (See, page 3, lines 13-17.) It is respectfully submitted that the Applicants recognized that "data casting systems may already exist, i.e. video stream with embedded information for interactive use" such as shown in Huber. Yet with datacasting, (emphasis added) "the broadcaster is the party preparing the content and inserting the information, thus acting on behalf of the seller or advertiser and not on behalf of a consumer." (See, present patent application, page 4, lines 13-15.)

The present application makes clear that (emphasis added) "[a]n autonomous search 50 from a variety of information sources is performed after the user selects a certain product." (See, FIG. 2 and page 17, lines 13-14.) "The autonomous search 50 can perform

the search by utilizing a list of websites which are categorized according to the source. For example, at least three such groups of websites can exist: user's custom list, advertiser's list based on metadata provided by the advertisers, and a system generated list which could be based on the user's shopping habits. The list of websites can be stored either locally within the set-top box in the memory, or in a content provider's system. The list can be periodically updated through the Internet by setting up a software robot which would visit these websites and provide updates on their status." (See, page 18, lines 7-15.)

It is respectfully submitted that the specification provides more than sufficient description, and that one skilled in the art would understand from the specification that the search to identify data related to the selected product includes at least one source not associated with a source of the video program since it is clear that the search is performed from a variety of information sources. As is further clear, the search can utilize list of websites, including an advertiser (e.g., associated with the source of the video program) and at least two other sources not associated with the broadcaster, namely a user's custom list and a system generated list. It is only through utilization of the sources not associated

with the source of the video program that the present system may act on behalf of the consumer and not on behalf of the broadcaster (See, present patent application, page 4, lines 13-15.)

Clearly, the specification complies with the written description requirement and reasonable conveys that the inventors, at the time of the application was filed, had possession of the claimed invention as claimed in claims 1 and 15. Accordingly, withdrawal of this rejection under 35 U.S.C. §112, first paragraph is respectfully requested.

In the Final Office Action, claims 1-5, 9, 10, 12, 13, 15-19, 23, 24 and 26 are rejected under 35 U.S.C. §103(a) over U.S. Patent Publication No. 2002/0120935 to Huber ("Huber") in view of U.S. Patent No. 6,669,278 to Yen ("Yen"). Claims 6 and 20 are rejected under 35 U.S.C. §103(a) over Huber in view of Yen in further view of U.S. Patent No. 6,553,347 to Tavor ("Tavor"). Claims 11, 14, 25 and 27 are rejected under 35 U.S.C. §103(a) over Huber in view of Yen in further view of U.S. Patent Publication No. 2005/0015815 to Shoff ("Shoff"). Claim 28 is rejected under 35 U.S.C. §103(a) over Huber in view of Yen in further view of Tavor. Claim 29 is rejected under 35 U.S.C. §103(a) over Huber in view of Yen in further view of Tavor in further view of U.S. Patent Publication

No. 2002/0059590 to Kitsukawa ("Kitsukawa"). Claims 30 and 31 are rejected under 35 U.S.C. §103(a) over Huber in view of Yen in further view of U.S. Patent Publication No. 2003/0130983 to Rebane ("Rebane"). Claim 32 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Huber in view of Yen in further view of Tavor in further view of Rebane. The rejections of claims 1-6, 9-20 and 23-32 is respectfully traversed. It is respectfully submitted that the claims are allowable over any of Huber in view of Yen alone and in combination with Tavor, Shoff, Kitsukawa and Rebane for at least the following reasons.

It is undisputed that Huber does not disclose or suggest performing a search to identify data related to the selected product including at least one source not associated with a source of the video program (see, Office Action, page 5). Yen is introduced to show that which is missing from Huber, however, it is respectfully submitted that reliance on Yen is misplaced.

The Office Action takes the position that "Yen discloses performing a search to identify data related product including at least one source not associated with a source of the video program or local retailers for an advertised product are not associated with the broadcast station as they are searched based on a product

after selection from an advertisement of the manufacturer of the product such as Ford vehicles ..."

In contrast with this assertion, Yen makes clear in the section cited in the Office Action that (emphasis added) "[c]rosslinks to related items can include a wide variety of secondary information sources, such as a hypertext link to a web site being displayed in a picture from a broadcast show, a hypertext link to a web site being displayed in closed-caption text or other annotation information (for example, a commercial for a Ford pickup truck can include hypertext links to Ford's web site and to web sites for pickup truck comparisons)"

It is not clear how the Office Action can interpret that a hypertext link to a website provided by the broadcaster is not a search of a source associated with the broadcaster. As should be clear, since it is the broadcaster providing the hypertext link, the selection of this link can only provide a source associated with the broadcaster.

Accordingly, it is respectfully submitted that the method of claim 1 is not anticipated or made obvious by the teachings of Huber in view of Yen alone, or in any combination with Tavor, Shoff, Kitsukawa and Rebane. For example, Huber in view of Yen

alone, or in any combination with Tavor, Shoff, Kitsukawa and Rebane does disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis provided) "performing a search to identify data related to the selected product including at least one source not associated with a source of the video program" as recited in claim 1, and as substantially recited in each of Claims 15 and 28. Tavor, Shoff, Kitsukawa and Rebane are cited for allegedly showing other features of the claims yet in any event, do not cure the deficiencies in Huber.

Based on the foregoing, the Applicants respectfully submit that independent claims 1, 15, and 28 are patentable over Huber in view of Yen, alone, and in any combination with Tavor, Shoff, Kitsukawa and Rebane and notice to this effect is earnestly solicited. Claims 2-6, 9-14, 16-20 and 23-32 respectively depend from one of Claims 1, 15 and 28 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of said claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the

foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

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